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7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-197**

13 **DOUGLAS LEE CHEATHAM**

14 P.O. Box 21482  
15 Bullhead City, AZ 86439

**A C C U S A T I O N**

16 Registered Nurse License No. 478863  
17 Nurse Anesthetist Certificate No. 1877

Respondent.

18 Complainant alleges:

19 **PARTIES**

- 20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.
- 23 2. On or about May 31, 1992, the Board of Registered Nursing issued Registered Nurse  
24 License Number 478863 to Douglas Lee Cheatham ("Respondent"). The Registered Nurse  
25 License expired on May 31, 2002, and has not been renewed. On or about May 22, 1992, the  
26 Board of Registered Nursing issued Nurse Anesthetist Certificate No. 1877 to Respondent. The  
27 Nurse Anesthetist Certificate expired on May 31, 2002, and has not been renewed.

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1 following: (a) Unprofessional conduct, which includes, but is not limited to, the

2 ...

3 (4) Denial of licensure, revocation, suspension, restriction, or any other  
4 disciplinary action against a health care professional license or certificate by another  
5 state or territory of the United States, by any other government agency, or by another  
6 California health care professional licensing board. A certified copy of the decision  
7 or judgment shall be conclusive evidence of that action."

8 9. Section 2762 of the Code states:

9 "In addition to other acts constituting unprofessional conduct within the  
10 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
11 person licensed under this chapter to do any of the following:

12 ...

13 (b) Use any controlled substance as defined in Division 10 (commencing  
14 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
15 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
16 in a manner dangerous or injurious to himself or herself, any other person, or the  
17 public or to the extent that such use impairs his or her ability to conduct with safety to  
18 the public the practice authorized by his or her license."

#### 19 COST RECOVERY

20 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licensee found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

#### 24 FIRST CAUSE FOR DISCIPLINE

##### 25 (Disciplinary Action by the Arizona State Board of Nursing)

26 11. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of  
27 the Code in that the Arizona State Board of Nursing ("Arizona Board") took disciplinary action  
28 against Respondent's professional nurse license and certified registered nurse anesthetist  
certificate, as follows:

12. On or about August 31, 2005, the Arizona Board issued an order accepting the  
voluntary surrender of Respondent's professional nurse license and certified registered nurse  
anesthetist certificate in the disciplinary matter entitled *In the Matter of Professional Nurse  
License No. RN026404 and Certified Registered Nurse Anesthetist Certificate No. CRNA0263*

1 *Issued to Douglas Lee Cheatham.* The circumstances underlying the disciplinary action are, as  
2 follows:

3 13. On or about April 4, 2003, Respondent contacted the Arizona Board to self-report his  
4 abuse of alcohol. Respondent disclosed that he had been arrested 3 times for driving under the  
5 influence. Respondent stated that all 3 arrests resulted in misdemeanor convictions and one arrest  
6 was approximately 10 years ago. Respondent acknowledged that he had entered into an  
7 outpatient treatment as a result of his convictions.

8 14. On or about April 28, 2003, Respondent signed a Consent Agreement with the  
9 Arizona Board and entered the Chemically Addicted Nurses Diversion Option ("CANDO")  
10 program. The Consent Agreement required, in part, for Respondent to enter into and complete an  
11 intensive treatment program, aftercare, attend a nurse recovery group, attend AA/NA, abstain  
12 from unauthorized drug use, notify CANDO of any prescriptions received, submit to random drug  
13 screens, and upon return to nursing practice, abide by standard nursing practice restrictions.

14 15. On or about August 8, 2003, in a random urine drug screen, Respondent tested  
15 positive for Darvocet. Respondent acknowledged that he had received a prescription for  
16 Darvocet from his employer after Respondent complained of neck pain. When questioned by  
17 Arizona Board staff, Respondent's employer stated that he prescribed medications to his  
18 employees all the time, that it was Friday afternoon and that he did not want to take the chance  
19 that Respondent would be unable to report for work on Monday as he runs a very busy practice.

20 16. On or about December 16, 2003, in a random urine drug screen, Respondent tested  
21 positive for alcohol.

22 17. On or about December 17, 2003, Respondent was discharged from CANDO for his  
23 noncompliance with the Consent Order.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct)**

26 18. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the  
27 Code on the grounds of unprofessional conduct in that Respondent was arrested 3 times for  
28 driving under the influence and that he failed to comply with the Arizona Board's CANDO

1 program. The conduct is described in more particularity in paragraphs 13 through 17 above,  
2 inclusive and hereby incorporated by reference.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Drug Related Transgressions)**

5 19. Respondent is subject to disciplinary action under section 2761, subdivision (a) as  
6 defined in section 2762, subdivision (b) of the Code in that Respondent used alcoholic beverages  
7 to an extent or in a manner dangerous or injurious to himself, others and the public. The  
8 dangerous use is described in more particularity in paragraphs 13 and 16 above, inclusive and  
9 hereby incorporated by reference.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 478863 and Nurse Anesthetist  
14 Certificate No. 1877, issued to Douglas Lee Cheatham;

15 2. Ordering Douglas Lee Cheatham to pay the Board of Registered Nursing the  
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
17 Professions Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.  
19  
20

21 DATED: September 20, 2012

*Louise R. Bailey*  
22 LOUISE R. BAILEY, M.ED., RN  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
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